

REMARKS/ARGUMENTS

The claims are 1, 3-11, and 14-16. Claim 1 has been amended to incorporate the subject matter of claim 2. Accordingly, claim 2 has been canceled. Claims 12 and 13 have also been canceled and claim 9 has been amended to depend on claim 7. The specification has also been amended to include headings as requested by the Examiner. Reconsideration is expressly requested.

The drawings were objected to under 37 C.F.R. 1.83(a) as failing to show "the further catheter lumen (6) is open in the region of the catheter tip" recited in claim 12, and "the further catheter lumen (6) is closed in the region of the catheter tip" recited in claim 13. In response, Applicants have canceled claims 12 and 13, which it is respectfully submitted overcomes the objection to the drawings under 37 C.F.R. 1.83(a).

The Examiner objected to the specification as lacking headings, and in response, Applicants have amended the

specification to include headings as requested by the Examiner.

Claim 9 was objected to as being dependent on claim 6, instead of claim 7, and in response, Applicants have amended claim 9 to depend on claim 7 as requested by the Examiner, thereby obviating the Examiner's objection to claim 9 on the basis of this informality.

Claims 1-2, 3, 5-6, and 12-15 were rejected under 35 U.S.C. 102(b) as being anticipated by *Lieber et al. U.S. Patent No. 5,662,620*. Claims 1 and 3-6 were rejected under 35 U.S.C. 102(b) as being anticipated by *Beil U.S. Patent No. 6,146,354*. Claims 1, 3, 6-8 and 11-15 were alternately rejected under 35 U.S.C. 102(e) as being anticipated by *Currier et al. U.S. Patent Application Publication No. 2004/0015138*. Claims 7-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Beil* and further in view of *Currier et al.*

Essentially the Examiner's position is that each of *Lieber*

et al., *Beil*, and *Currier et al.* discloses the catheter recited in the rejected claims, except for features which are considered inherent or disclosed by *Currier et al.*

In response, Applicants have amended claim 1 to incorporate the subject matter of claim 2, thereby obviating the rejection on the basis of *Beil* and *Currier et al.* With respect to the rejection on the basis of *Lieber et al.*, Applicants respectfully traverse for the following reasons.

As set forth in claim 1 as amended, Applicants' invention provides a catheter having a catheter body, the interior of which forms a first catheter lumen. This lumen serves to accommodate a guide wire during the introduction of the catheter into the body of a patient. The catheter body has at least one partition disposed in the interior, which divides off at least one further catheter lumen in the interior. The catheter body also has a tubular outer wall, and the cross-sectional area (F2) of the further catheter lumen is smaller than the cross-sectional area

(F1) of the first catheter lumen. The further catheter lumen is disposed in such a manner that it has a wall section that is part of the tubular outer wall.

As recited in claim 1 as amended, the cross-sectional area (F1) of the first catheter lumen and the cross-sectional area (F2) of the further catheter lumen have a common axis of symmetry in the cross-sectional plane, and the quotient of the cross-sectional area (F1) of the first catheter lumen and the cross-sectional area (F2) of the further catheter lumen is greater than the square of the quotients of the width of the first catheter lumen, measured along the common axis of symmetry, and the width of the further catheter lumen, measured along the common axis of symmetry.

In this way, Applicants' invention provides a catheter which assures that the cross-sectional area of the first catheter lumen has an optimal size.

Contrary to the Examiner's position, it is respectfully submitted that *Lieber et al.* fails to disclose or suggest a catheter having the specified dimensions set forth in claim 1 as amended. In fact, the Examiner's position that *Lieber et al.* anticipates Applicants' catheter results from a severe miscalculation set forth on page 5 of the Office Action.

Specifically:

$$(F36/F40) = (0.0024 \text{ in}^2) / (0.0016 \text{ in}^2) = 1.5 \text{ (and not "15 in}^2\text{"}$$

as the Examiner had calculated)

In addition, Applicants note that the Examiner's calculations on page 5 of the Office Action provide the results with units, which is incorrect, as the results are numeric ratios, the units being canceled in the fractions. In addition, although the Examiner refers on page 5 of the Office Action, to D36 and D40, actually, for D40 only the value 0.024in is relevant, as Applicants' claim 1 as amended mentions the width of

the respective lumen *along a common axis of symmetry*. Moreover, the equation should actually be:

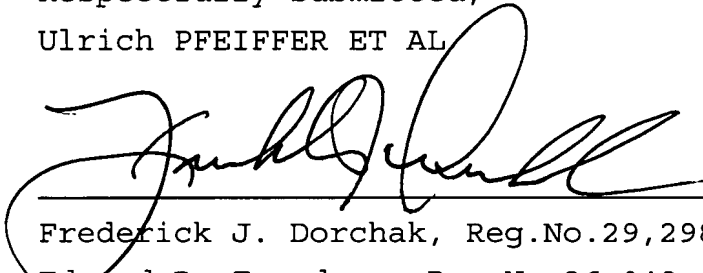
$$(D36/D40)^2 = ((0.056 \text{ in}) / (0.024 \text{ in}))^2 = 5.444$$

More importantly, the term (F36/F40), which corresponds to F1/F2 in Applicants' claim 1 as amended, is not larger, but rather *much smaller* than the term (D36/D40)², which corresponds to (D1/D2)² in Applicants' claim 1 as amended. Therefore, it is respectfully submitted that rather than anticipating Applicants' claims, *Lieber et al.* actually teaches the opposite of what is being claimed in claim 1 as amended.

Accordingly, it is respectfully submitted that claim 1 as amended, together with claims 3-11, and 14-16, which depend directly or indirectly thereon, contain unobvious and patentable subject matter.

In summary, claims 1 and 9 have been amended, and claims 2 and 12-13 have been canceled. The specification has also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,
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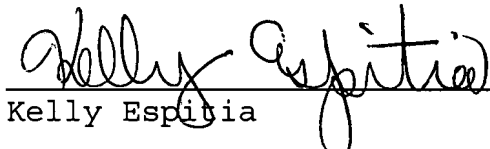
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